Ten good reasons why zoning is bad idea

by NICOLAS S. MARTIN

UNLESS the voters reject it, zoning will soon become a fact of life in Houston. City council supports it unanimously, and law firms are gearing up for an explosion of new business.

Last time zoning was on the ballot, Houstonians clearly understood the harm it could do. They voted against zoning overwhelmingly, even though the politicians stumped for it then, too.

If you weren't around for that prior election, you may not realize how this huge government power grab threatens you and the quality of life in Houston.

Zoning may confer benefits on a few well-connected people. But the rest of us are going to get the back end of a rogue regulation elephant as it stomps out property rights and raises the cost of living.

There are many reasons why zoning would harm Houston. Here are 10 of them.

■ **No. 1—Zoning wastes scarce police resources**. Which person presents the biggest danger to the community: a mature lady who supports herself by doing typing at home, or a carjacker packing a .38? Which do you want your law enforcement tax dollar spent to arrest? Are we better off with cops on the beat or in zoning court?

You think I am exaggerating? As you read this, under the interim zoning ordinance, if you work at home and you haven't notified City Hall, you are breaking the law. You, the lady typist, the guy who prepares your taxes in his den, and thousands of other Houstonians are now subject to criminal prosecution.

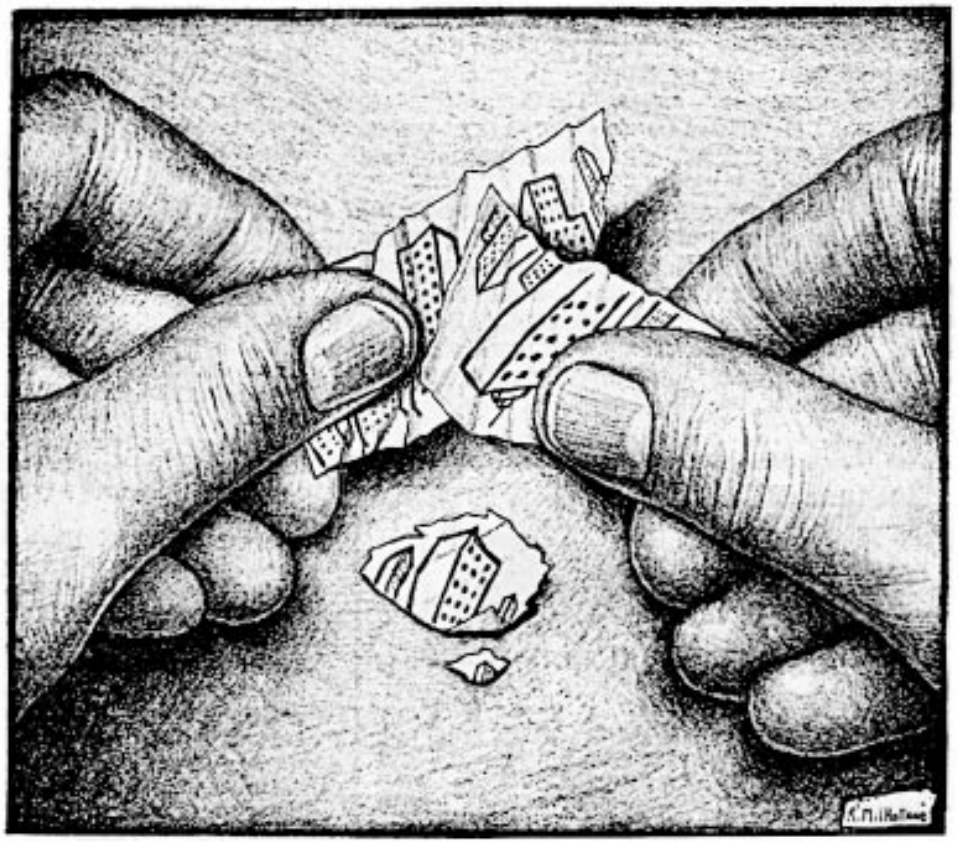
If zoning is enforced, somebody has to arrest these work-at-home "criminals," somebody has to try them. Zoning will give us more lawyers and more government. It will clog the system with law-abiding citizens and give less justice to the victims of real crime.

■ **No. 2— It ain't broke, don't fix it**. According to *Money* magazine, Houston is the most livable major city in America. The obvious question is this: Why do the politicians want to impose regulations and bureaucracy which turn Houston into a Philadelphia, or a Cleveland, or some other city which ranks below us? It may benefit the bureaucrats but is it good for us?

After zoning destroys Houston's special character, it can't be restored. The politicians and lawyers will never give back the powers, profits, and perks we've given them.

The perfect pro-zoning slogan: "Support zoning. Make Houston as nice as Detroit."

■ **No. 3—Zoning is a massive power grab by politicians**. It will be the biggest theft of power from the taxpayers by the political elite in Houston history. Under zoning, the decisions you now make about how to use your property will be made by a handful of professional bureaucrats. For most of these bureaucrats, Houston is just another job, another chance for power and prestige. Hired from places like West Palm Beach, they have no personal investment in our community.



■ **No. 4— Zoning costs a fortune**. Zoning increases the cost of living for everyone. Renters pay more rent, houses cost more to build and buy, legal fees skyrocket, and government bureaucracy balloons. Big business, big developers, and lawyers will just pass on the costs of this regulation boondoggle to you and me. Mom and pop businesses, and individuals who can't call on high-priced legal talent will get taken to the cleaners.

Why does rent cost three times as much in New York City as Houston? A big reason is zoning. Why does a comparable house cost twice as much in San Francisco as Houston? Look at zoning.

By one estimate, if zoning forces up Houston rents to the costs of apartments in

other Texas cities, it will cost local renters an additional $100 million a year.

In Houston, when demand for housing increases, private developers decide how and where to meet that demand. This is the free market at work.

In San Francisco and New York, politicians and lawyers decide whether homes can be built, and the results are familiar to anyone who has lived under Soviet government. Lines are endless, prices are high, quality suffers. This is trickle down bureaucracy.

■ **No. 5—Zoning is the #1 source of corruption in local governments**. The two least trusted groups in the country are lawyers and politicians. Give those two groups the power to decide the fate of every business and property owner in Houston, mix in billions of dollars in fees, and what do you get?

The results are regularly found in newspaper headlines in zoned cities. The headlines scream, "Zoning commissioner admits taking bribe from developer," or, "Councilman got secret donation from construction firm." If you spend enough time at the library, you will find literally thousands of similar headlines. They say over and over that zoning destroys the integrity of city government.

The way it is now in unzoned Houston, if you have the money and the land you can try your luck at developing. Under zoning, you still need the land, but you also have to have the political connections, and a lot more dough to pay for legal fees and regulations.

How do people get connections in zoned cities? They might have a friend on city council, or a former business colleague on the zoning commission. Far too often, though, the connection is a bribe slipped into the pocket of some willing official, or a generous contribution to his reelection.

Don't forget the revolving door, either. One day a bureaucrat is administering the law, the next day she becomes a private consultant getting fat fees to advise clients how to get around the law.

■ **No. 6—Zoning breeds slums, inner city decay, and crime zones**. Have you ever wondered why Houston doesn't have a section like South Central Los Angeles, or the South Bronx in New York?

New York and L.A. are heavily zoned. The effect of that zoning is to create apartheid divisions with giant, rotting slums and Somalia-like violence. Houston has its rough areas, but they are nothing like the horrifying killing fields of other big cities.

In unzoned Houston, lower-cost homes mingle with middle class homes, creating a pressure to maintain property values. In zoned cities, government often concentrates poorer people in zoning ghettos, creating the volatile brew which exploded in South-Central L.A. The costs to taxpayers in police, welfare, and bureaucracy are enormous. There is no pressure to maintain property in ghettos.

Compared to Houston, per capita city taxes are 20 percent higher in Los Angeles, and 500 percent higher in New York, the nation's zoning capital.

New York City has something like 10,000 abandoned apartments due to the high costs of zoning and rent control. The abandoned units make wonderful accommodations for street gangs and crack houses.

■ **No. 7—Zoning is often racist**. The shameful truth is that some people support zoning precisely because of its apartheid effects.

Houston is a genuine melting pot. Because zoning hasn't created permanent minority ghettos here, we have less racial division than other cities. Whether you are white, black, Hispanic, or Asian, you decide where to live based on the qualities of the home or apartment. Is it attractive? Is it near work? Is it near shopping? Do you like the neighbors? These are choices which you alone make.

In a zoned city, many of the choices are made for you by politicians. Because this paternalism seems to do magnified harm to poor minorities, its effect is to create huge predominantly nonwhite concentration zones seething with anger and frustration. The typical law-abiding minority family has a difficult time escaping a crime-infested slum which is effectively zoned "poor only."

It may seem expedient to shunt poor people into ghettos, but will Houston really be better off with an area like South Central Los Angeles in our midst?

■ **No. 8—Zoning is bad for the environment**. How long does it take for you to get to the supermarket? How about the drugstore, or the gas station? Just a few minutes if your situation is typical.

Our closeness to shopping centers is a big environmental plus. Because businesses are nearby, we spend less time in our cars generating pollution.

The new zoning law will eventually designate fewer areas for business. That means we will spend more time and money driving longer distances to shop. Also, more of us will be driving to the same places, increasing congestion and worsening air quality.

Furthermore, zoning will push our workplaces farther away, forcing longer commutes. The price will be dirtier air, road deterioration, more gas usage, and more congestion. Many people who presently work at home will have to start commuting when zoning forces them to relocate their jobs or businesses from their homes.

Martin is executive director of the Consumer Health Education Council, a non-profit Houston charity.

At a recent public forum, a pro-zoning activist said that zoning would be good for Houston because it would encourage a *doubling* of the city's population in the next 57 years. Is that what we want?.

■ **No. 9—Lawyers love zoning**. The clever ones are already licking their chops over the millions of dollars to be made "representing" clients before zoning bureaucrats. The politicians will get the power, the lawyers will get the loot, and the property owners will get the shaft.

■ **No. 10—Zoning is a civil liberty nightmare**. You think your home is your castle? It no longer will be if the zoning ordinance is implemented.

The original draft ordinance allowed the zoning director to enter your property at any time *without a warrant*! As it stands now, the ordinance was changed to require a warrant, but what is to stop the city from removing the warrant requirement in the future?

The original warrantless search provision shows the dangerous hunger for power by zoning officials.

If you violate the zoning ordinance—like the lady who does typing at home—you don't just qualify for a speeding ticket-style slap on the wrist. Texas law says that you are guilty of a criminal offense.